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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFRED LAM, FRANK CHEN, PAULA LEIATO, and GREGORY CHIN,

Plaintiff(s),

VS.

THE CITY AND COUNTY OF SAN FRANCISCO, a municipality and political subdivision of the State of California, TIMOTHY DIESTEL, DENNIS DOYLE, ALFRED FLECK, CHARLES LEWIS, JOHN RADOGNO, and BARRY YOUNG,

Defendant(s).

Case No. C 08-4702PJH

**STIPULATION TO EXTEND ENE DEADLINE
AND PROPOSED ORDER**

Trial Date: December 5, 2011

PLEASE TAKE NOTICE that Defendant City and County of San Francisco ("Defendant") respectfully files this request for an extension of the deadline to complete an early neutral evaluation ("ENE") in this matter. Defendant, in stipulation with Plaintiffs, request that the ENE deadline be continued 120 days to December 28, 2010.

1 A case management conference was held on May 27, 2010. On June 1, 2010 the court issued
2 the Case Management and Pretrial Order, referring the case to ADR for ENE to be completed within
3 90 days. The 90 days expires on August 30, 2010.

4 ENE evaluator, George Harris, was appointed by the ADR clerk on July 19. (See Docket No.
5 129.) The evaluator contacted the parties on August 3 and scheduled a phone conference for August 6.
6 On August 6 the phone conference was not able to take place due to unavailability of Plaintiffs'
7 counsel. The phone conference was subsequently rescheduled to August 13.

8 Given the parties' and evaluator's schedules, the parties are unable to complete ENE prior to
9 August 30. Moreover, at this point there has been limited discovery in these cases. Defendants have
10 noticed and received responses to requests for production, and depositions for plaintiffs have been
11 noticed for the beginning of September. The parties believe additional discovery is necessary to make
12 the ENE a productive process. In addition, Defendant's counsel is unavailable and out of the country
13 the first three weeks of October, the ENE evaluator is unavailable the last week of October and first
14 three weeks of November due to an arbitration in Singapore, and Defendant's counsel is scheduled for
15 a two week trial November 29.

16 For the above reasons, the City and Plaintiffs request a 120 day extension of the ENE deadline
17 to December 28, 2010. Plaintiffs are in agreement with this request and their stipulation is below:

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1 IT IS STIPULATED BY THE PARTIES AS FOLLOWS:

2) The parties desire to engage in further discovery before completing the ENE.
3) According to the above, the parties stipulate to extend the ENE deadline 120 days to
4 December 28, 2010.

5) This agreement between the parties will require no other modification of the scheduling
6 order.

7) The parties request that the Court enter an order consistent with this stipulation.

8 Dated: August 13, 2010

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10 By: /s/ Lauren M. Monson
11 LAUREN M. MONSON
12 Attorneys for Defendant
13 CITY AND COUNTY OF SAN FRANCISCO

14 Dated: August 13, 2010

15 By: /s/ Evgenii Sverdlov
16 EVGENII SVERDLOV
17 Attorney for Plaintiffs
18 ALFRED LAM, FRANK CHEN, PAULA LEIATO,
19 and GREGORY CHIN

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

21 Dated: 8/17/10

